REMARKS

Claims 1-18 are pending in this application.

Applicant appreciates the Examiner's prompt indication that claims 11-13 and 16-18 define allowable subject matter. Applicant's responses to the prior art rejections in the Office Action are set forth in the following discussion.

Applicant respectfully requests reconsideration of the rejection of claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by *Walsh et al.* ("*Walsh*") (U.S. Patent No. 5,956,481). As will be explained in more detail below, the *Walsh* reference does not disclose each and every feature of independent claims 1 and 5.

Each of independent claims 1 and 5 specifies that selected information including an asserted source of the information and an encryption-created authentication signature of the asserted source is received, and that a determination is made as to whether the signature is authentic. The signature is determined to be authentic when the signature can be decrypted to produce information that is coincident with a predetermined authentication reference.

In support of the anticipation rejection, the Examiner asserts that column 15, lines 34-43, of the *Walsh* reference describe the determining of whether an encryption-created authentication signature is authentic when the signature can be decrypted to produce information that is coincident with a predetermined authentication reference. Office Action at page 2. Applicant respectfully traverses the Examiner's characterization of the *Walsh* reference relative to the claimed subject matter.

The *Walsh* reference does not disclose the claimed subject matter for at least the reason that this reference does not involve the use of an encryption-created authentication signature. For ease of reference, the portion of the *Walsh* reference cited by the Examiner as well as the subsequent paragraph are reproduced below:

> For another exemplary embodiment, a digital signature check can be conducted to confirm whether the selected file is a

> "trusted" file that can be opened without virus protection. If a digital session key associated with the present session of the program module matches a digital signature assigned to the file to be opened, then this file has been previously processed by the program module during the present session. Based upon the signature match, the file can be opened without the necessity of generating a notice to advise that the selected file may contain a virus. The comparison of digital signatures provides an additional check to insure that the file has indeed been previously processed during the present session of the program mode.
>
> Each session of the program module can be assigned a digital session key, typically by the selection of a random number or another unique identifying characteristic. This digital session key is preferably assigned to the session when required, i.e., when there is a need to compare the digital session key with a digital signature for a selected file to be opened. This expedites the initialization of the program module because a digital session key is created only when there is a need to apply the key. However, once the session key is assigned to a present session, it remains assigned for that entire session. [*Walsh* at column 15, lines 34-56.]

The above-quoted portion of the *Walsh* reference does not describe the use of an encryption-created authentication signature as in the claimed subject matter, but instead describes the use of a digital session key and a digital signature to determine that a file has already been processed by the virus check routine. In the *Walsh* reference, a digital session key is assigned to a session of the program module, when needed, and a digital signature is assigned to a file after it has been processed by the virus check routine (see column 15, lines 58-59). Neither the digital session key nor the digital signature is encrypted. Moreover, the digital signature is assigned to a file *after it has been processed by the virus check routine*. In contrast, the claimed subject matter involves the receipt of selected information that *includes* an asserted source of the information and an encryption-created authentication signature of the asserted source.

Thus, for at least the foregoing reasons, the *Walsh* reference does not disclose each and every feature of independent claims 1 and 5. Accordingly, claims 1 and 5 are patentable

under 35 U.S.C. § 102(e) over *Walsh*. Claims 2-4, each of which depends from claim 1, and claims 6-8, each of which depends from claim 5, are likewise patentable under 35 U.S.C. § 102(e) over *Walsh* for at least the same reasons set forth above regarding the applicable independent claim.

Applicant respectfully requests reconsideration of the rejection of claims 9, 10, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Shanton* (U.S. Patent No. 5,680,452) in view of *Walsh*. As will be explained in more detail below, the combination of *Shanton* in view of *Walsh* does not raise a *prima facie* case of obviousness against the subject matter defined in independent claims 9 and 14.

In formulating the obviousness rejection, the Examiner admits that the *Shanton* reference does not "specifically disclose authenticating the signature" as in the claimed subject matter. Office Action at page 3. According to the Examiner, however, the *Walsh* reference discloses the authentication of the signature of a file. The Examiner concludes that it would have been obvious to one having ordinary skill in the art "to authenticate digital signature in the file taught in Walsh with message system disclosed in Shanton in order to authenticate identity of the data and to ensure that the original content of the message that has been sent is unaltered thus preventing wide spread of viruses." Office Action at page 3.

Applicant respectfully traverses the Examiner's characterization of the *Walsh* reference relative to the claimed subject matter. In contrast with the Examiner's characterization, the *Walsh* reference does not disclose the determining of whether the signature for an asserted source and for an asserted access level for an e-mail message is authentic as in the claimed subject matter. Instead, as discussed above in connection with the anticipation rejection of claims 1-8, the *Walsh* reference discloses the use of a digital signature check merely to confirm that a file has already been processed by a virus check routine. This digital signature check has nothing to do with determining whether a signature

for an asserted source and for an asserted access level for an e-mail message is authentic. As such, nothing in the *Walsh* reference would have provided one having ordinary skill in the art with a suggestion or motivation to modify the *Shanton* reference in the manner proposed by the Examiner.

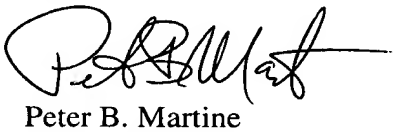
Moreover, even if one having ordinary skill in the art were to combine the *Walsh* and *Shanton* references, the result of this combination would not have been the claimed subject matter. The *Shanton* reference discloses a data processing system that can be used to select and encrypt objects, and the encrypted objects can be embedded in other objects using cryptographic encapsulation. Although the *Shanton* reference mentions that encrypted objects can be distributed by e-mail, the data processing system of *Shanton* has nothing to do with the filtering of information received by e-mail as specified in the claimed subject matter. As noted above, the *Walsh* reference discloses a digital signature check to confirm that a file has already been processed by a virus check routine. The addition of the digital signature check shown by *Walsh* to the data processing system of *Shanton* would not have resulted in the method and system for filtering information received by e-mail as specified in claims 9 and 14, respectively.

For at least the foregoing reasons, the combination of *Shanton* in view of *Walsh* does not raise a *prima facie* case of obviousness against independent claims 9 and 14. Accordingly, claims 9 and 14 are patentable under 35 U.S.C. § 103(a) over the combination of *Shanton* in view of *Walsh*. Claim 10, which depends from claim 9, and claim 15, which depends from claim 14, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Shanton* in view of *Walsh* for at least the same reasons set forth above regarding the applicable independent claim.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-18, and submits that these claims are in condition for allowance.

Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. SUNMP328).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.



Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
(408) 749-6902
Customer Number 32291